

In reference to Docket Number 05-015-1

Submitted by:

The National Association of State Departments of Agriculture (NASDA)
Suite 1020, 1156 15th St. NW
Washington, DC 20005

Animal and Plant Industries Committee, Commissioner Gus Douglass, West Virginia, Chair
Telephone: (304)558-3200 email: douglass@ag.state.wv.us

NASDA Staff: 202/296-9680 email: nasda@nasda.org

The National Association of State Departments of Agriculture (NASDA), representing the commissioners, secretaries, and directors of agriculture in the fifty states and four territories, appreciates the opportunity to comment on the USDA Agency docket number 05-015-1, docket ID: APHIS-2005-0044, Title: National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards.

In addition to the comments to the questions posed, NASDA also offers its availability to evaluate these and related issues at our annual meeting, Sept. 16-21 in Cooperstown, NY, to accommodate meeting on short notice – for conference calls or meetings of its Animal and Plant Industries (A&PI) Committee and its willingness to facilitate broader input from our affiliate organizations, where appropriate. We have developed experience in reacting to emergencies and are always willing to assist our federal partners, when given that opportunity.

In addition to the NASDA mechanisms available for added input, the current chair of NASDA's A&PI Committee, Gus Douglass, also serves on the Secretary's Advisory Committee for Foreign Animal and Poultry Diseases. These forums can provide you with additional insights and specific fine-tuning of policy options. NASDA encourages USDA to use these avenues for additional input as the agency proceeds to develop and implement its animal identification system.

The following are questions (in italics) posed in the APHIS document, followed, by NASDA's Comments:

The Draft Strategic Plan calls for making the entire system mandatory by January 2009. Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs? Please explain why or why not.

NASDA Comment: Yes. A mandatory program is necessary to support state and/or federal animal health surveillance, monitoring and response efforts. It is imperative that a premises registration and animal identification program for livestock be mandatory as soon as practical and possible. A voluntary program will not be adequate in the long run to respond to foreign animal disease outbreaks or other emergencies. Public confidence in government programs and in the food supply requires a seamless and integrated program. No system will have 100% compliance; however, in the event of an emergency, a mandatory program ought to provide an adequate database and also will allow for follow through in the field to fill-in additionally needed pieces. In theory, a voluntary program currently exists; without a working mandatory program, trade issues and public confidence have suffered (these comments presuppose that some animals will be identified by lots rather than as individual animals).

In the current Draft Strategic Plan, the NAIS would require that producers be responsible for having their animals identified before the animals move to a premises where they are to be

commingled with other animals, such as a sale barn. At what point and how should compliance be ensured? For example, should market managers, fair managers, etc., be responsible for ensuring compliance with this requirement before animals are unloaded at their facility or event? Please give the reasons for your response.

□ In regard to cattle, individual identification would be achieved with an AIN tag that would be attached to the animal's left ear. It is acknowledged that some producers do not have the facilities to tag their animals; thus, the Draft Program Standards document contains an option for tagging sites, which are authorized premises where owners or persons responsible for cattle could have the cattle sent to have AIN tags applied. Do you think this is a viable option, i.e., can markets or other locations successfully provide this service to producers who are unable to tag their cattle at their farms? Please give the reasons for your response.

NASDA Comment: The ability to efficiently track animal movement is vital to safeguarding animal health, protecting the safety of the U.S. food supply and promoting the economic vitality of animal agriculture. Animal owners should be held responsible for compliance; whoever "owns" or "controls" the animal should have an obligation to keep records and/or report movement. USDA should evaluate the usefulness of markets or other locations providing the service of tagging animals. In at least one state the sale barns are interested in providing that service – for the cost of the tag – to customers whose animals are not properly tagged. In this way, compliance will be enhanced by complimentary industry roles. One option USDA should consider is using the foreign animal and poultry disease advisory sub-committee on animal identification to determine the value and pitfalls of implementing this option to the program.

□ The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements will be achieved when the sale is direct between a buyer and seller (or through their agents). In what manner should compliance with these requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most efficient manner?

NASDA Comment: This option requires that USDA implement regulations that require recordkeeping and reporting. The standard will need to be strict; no animal moves in commerce without recordkeeping and reporting. Anyone who takes possession of an agricultural animal should be the responsible party. This is also true for slaughtered and dead animals; "retiring" tags, i.e., knowing which animals are no longer in the system, is of as critical of importance as being able to locate live animals.

□ USDA suggests that animals should be identified anytime prior to entering commerce or being commingled with animals from other premises. Is this recommendation adequate to achieve timely traceback capabilities to support animal health programs or should a timeframe (age limit) for identifying the animals be considered? Please give the reasons for your response.

NASDA Comment: Some animals (e.g., dairy) can be required to be identified by a specified age; however, some others (e.g., beef on the range) may not be able to be. Flexibility will be necessary to obtain compliance. Perhaps setting species standards is the better choice. The USAIP originally had species groups developed to address these types of issues. At one time these groups were envisioned as working groups to the animal identification sub-committee of the Secretary's Advisory Committee on FA&PD. Absolute consistency is not as critical of a need as is the assurance that the greatest number of animals will be captured in a nationally compliant database – within a reasonable timeframe. Requiring an agricultural animal to be identified prior to entering commerce is an absolute once the program is mandatory.

□ Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive (i.e., allow too little time), or not aggressive enough (i.e., do not ensure that the NAIS will be implemented in a timely manner)? Please give the reasons for your response.

NASDA Comment: On the one hand, the timelines appear to be realistic; on the other hand, the program is needed immediately. Issues, such as what compliance policy & strategy USDA will pursue, must be answered before the program can be implemented. The program should be able to be fully operational within 18 to 24 months after USDA sets its policies. If no major outbreak or other emergency occurs before the program is fully operational, the USDA will be praised for prudent implementation of the program.

□ Should requirements for all species be implemented within the same timelines, or should some flexibility be allowed? Please give the reasons for your response.

NASDA Comment: Flexibility is necessary; however, premises registration is needed as the basis of the national program and ought to be accomplished as soon as possible. Identifying animals, however, differs between species groups and need not be on the same timeline. The dairy industry is apparently poised to comply with both premises registration and animal identification. A decision on compliant technology(ies), e.g., what frequency of RFID tag will be acceptable in the long run, must be made by USDA before the animal identification portion can be implemented even for a species group that appears able to comply quickly. Livestock, in general, remains a priority; USDA should act to implement a program to advance all livestock premises registration and livestock animal identification as quickly as possible.

□ What are the most cost-effective and efficient ways for submitting information to the database (entered via the Internet, file transfer from a herd management computer system, mail, phone, third-party submission of data)? Does the type of entity (e.g., producer, market, slaughterhouse), the size of the entity, or other factors make some methods for information submission more or less practical, costly, or efficient? Please provide supporting information if possible.

NASDA Comment: Computerized submissions will garner the most useful database; however, some producers who do not have ready access to computers will also be willing to record and report transactions if alternative systems are available to them. USDA must provide adequate staffing to assure computerization of other records in a timely fashion for whatever other method(s) USDA allows. It behooves USDA to provide adequate funding for the technology(ies) necessary for states & industry to assure input into compliant databases. If ear tags are to be provided by markets, etc., perhaps computerized submissions can become an additional service provided by them for producers who do not have computers.

□ We are aware that many producers are concerned about the confidentiality of the information collected in the NAIS. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?

NASDA Comment: Any information not already available from another government program should be held confidential. The purpose of these records is to assure animal health surveillance, monitoring and response; they do not need to provide any other purpose – now or in the future. Assuring animal health is the role of the government, the producers and the supporting industry; these efforts are by-and-large a cooperative venture. Trust will be the basis of voluntary compliance (if the program has enough teeth); assuring the producer and industry of some level of confidentiality is necessary to obtain the level of cooperation necessary.

In addition, because of disclosure laws in many states, it will be prudent for state programs to seek the clarity associated with a defining state statute as well. Some states have already passed provisions to assure state collected data for these purposes will be held confidential. A premises registration system is imperative to reaching animal health surveillance, monitoring and response goals. Animal identification is necessary in order to determine where infected and/or exposed animals may be, but a census of animals on the farm is not needed to operate an effective program; how many animals a producer owns, for example, is not information that is needed by the public.

□ The NAIS as planned would require States, producers, and other participating entities to provide information and develop and maintain records. How could we best minimize the burden associated with these requirements? For example, should both the seller and the buyer of a specific group of animals report the movement of the animals, or is reporting by one party adequate?

NASDA Comment: Tracking of animals through commerce is already required – the premises registration and animal identification programs, envisioned in the NAIS, require a higher level of technology in order to meet the desire to be able to trace an animal's past whereabouts within a 48-hour timeframe. Requiring both seller and buyer to report movement of an animal will provide a better quality database; this type of program is not without costs, however.

APHIS is requesting comment from stakeholders regarding the utility of a privately managed database for holding animal location and movement information. Among the issues you may wish to comment on are the following:

□ How should a private database system be funded? Please give the reasons for your response.

□ Should the NAIS allow for multiple privately managed databases? Please explain why or why not.

□ Should a public (government) system be made available as well as a privately managed system so that producers would have a choice? Please give the reasons for your response.

□ Should a privately managed system include all species? Please give the reasons for your response.

□ Would either system work equally well at the State level? Please explain why or why not.

NASDA Comment: With regard to establishing third-party identification systems, the NASDA membership has been neutral. That said, however, 1) historically, privatized regulatory enforcement has been less than successful, 2) many discussions about industry sponsored programs fail to adequately discuss how information will be shared between an industry system and state agencies involved in animal health surveillance, monitoring and response, 3) the more different systems that exist the more likelihood there will be that problems will occur in readability nationwide (at some point, it seems that the argument in favor of an economy of scale outweighs the every industry has the right to control its own information). At some point the cost to operate a system must come into play. While NASDA concurs that concerns over confidentiality must be properly taken care of, the cost and ease of operation of similar systems nationwide at some point becomes justified. Resolution of these issues and more are necessary if a program is to be successful. If a third-party system is regional or national in scope, movement data at the state level will be needed by states. If a third-party system is authorized, it seems that it must work under a statutory mandate of some kind to assure a national and federal interoperable program. At least one state (Wisconsin) has created a third-party consortium, of which the regulatory agency is a partner, to manage the program. In the long run, access to information so that the regulatory agency can spot trends and conduct investigations to prevent outbreaks is essential in addition to responding to outbreaks and emergencies after the fact.

The following is NASDA's current policy on Animal Identification (it was passed by the NASDA membership in February 2004):

1.10 Animal Identification

The number of animals officially identified in the United States has been decreasing rapidly over the last few years due to the successes of disease eradication programs that have historically provided the foundation for animal identification. The ability to efficiently track animals from birth to slaughter is vital to safeguarding animal health, protecting the safety of the U.S. food supply and promoting the economic vitality of animal agriculture.

An industry-state-federal partnership, aided by the National Institute for Animal Agriculture, was

formed in 2002 to more uniformly coordinate a national animal identification plan. The resulting plan, requested by the US Animal Health Association and facilitated by USDA's Animal and Plant Health Inspection Service, built upon previously established and successful animal health and animal identification programs involving many animal industries. More than 100 animal industry and state-federal government professionals representing more than 70 allied associations/organizations collectively assessed the plan to meet future U. S. animal identification needs.

The U.S. Animal Identification Plan (USAIP) calls for federal standards and oversight that will enable states and industry organizations to develop a flexible network of linked databases to trace diseased animals within 48 hours, a goal established as necessary if animal diseases are to be properly responded to. Linked databases will be needed to:

- Identify where animals are kept (premises registration)
- Identify individual (or groups/lots) of animals (animal identification)
- Track movements of individuals or groups/lots of animals from premise to premise (animal tracking)

While the USAIP initially supports eleven animal industries with species-specific standards applying to all animals within the represented industries, the plan is flexible enough to accommodate modifications. The USAIP provides a practical framework for continued planning and implementation of a workable national animal identification program that provides states and industry organizations with flexibility to develop premises registration and animal identification systems that meet their own unique needs while providing standards that will enable national interoperability. The costs associated with USAIP will be substantial and the plan will continue to evolve over time.

NASDA supports using the USAIP as the model plan to establish state and national programs of animal identification. NASDA supports funding the program to incrementally implement premises registration and animal identification consistent with the USAIP, recognizing that incremental development of premises registration and animal identification systems will provide immediate benefits in terms of safeguarding animal health and provide necessary infrastructure for implementation of 48 hour animal tracking. NASDA also supports the long-term state and federal investment that must be made to maintain an animal identification component of safeguarding animal health.